

MEMORIAL

OF

JOHN A. BREVOORT AND O. S. FOWLER,

PRAYING

*An extension of the benefits of the copyright and patent laws, to artists engaged in taking busts, castings, and modelings in plaster, porcelain, &c.*

JUNE 8, 1838.

Referred to the Committee on the Judiciary, and ordered to be printed.

*To the honorable the Senate and House of Representatives in Congress assembled:*

To encourage and protect manufactures, science, and the arts, has ever been the settled and laudable policy of the American Government. This wise provision of the constitution, in its influence on our country, the world, and posterity, is evidently one of its most important and useful features; but, while this fostering protection ought to extend to all, and equally indemnify the rights of all engaged in the above pursuits, as the law now stands, it is defective, and, consequently, its action unequal. Authors of books, inventions, lithograph prints, engravings, *et cetera*, are protected from plagiarism by patents and copyrights; but artists engaged in taking busts, castings, and modelings, in plaster, porcelain, &c., &c., are deprived of the same protection and rights. The cause of this omission is evidently the fact, that when the laws were enacted touching this subject, the manufacture of these articles was too unimportant to deserve notice. But, of late, its increase has been very great, and it only requires the protection of the law to render it one of the most important branches of manufacture. Its superiority over lithographs and engravings, as means of procuring likenesses, is unquestionable, and its claim to protection, in common with them, is also just and meritorious. By what principle of right or justice should the artist who takes a lithograph or engraving of an individual's features be protected by copyright, while the artist who takes a likeness of the same individual in plaster of Paris, or wax, either by modeling, or a mould taken from the face and head itself, is excluded from legal protection.

The latter, as the law now operates, may consume any amount of money, time, and labor in procuring busts and statues—perfect fac similes of the originals, and more valuable than any lithographs and engravings—and the very first copy published may fall into the hands of a foreigner or an un-

skilful workman, who, with one day's labor, may take a mould from which he can cast any number of copies, and undersell the original artist, thus taking away his just rights and privileges. Is this the economy of the copyright law, and does it comport with the spirit of the constitution? Will not Congress extend its protection to this branch of the arts also?

Your petitioners are engaged, in part, in the manufacture of busts taken from the head and face, but they are unwilling to publish specimens, as the law now stands. Last year they published a bust, made of plaster of Paris, designed for the student of phrenological science, which contained improvements over all others. This was seized upon by Italian figure-makers, who now sell no other kind, and yet the authors of it receive nothing. A gentleman in New York has in his possession casts taken from the head and face of each and all the Presidents of the United States, which are invaluable; and he will not publish copies of the same, because they will be immediately copied, and sold for a trifle, even imperfect and defaced copies too.

To the Government itself, a law granting a copyright would be valuable, because copies deposited in its archives would be rescued from oblivion, and thus be handed down to posterity. Your petitioners might urge many other considerations, but they deem the above amply sufficient, where there can be no reasonable objections. They desire the passage of such an act of protection, not more for their own sakes than for the public good; and they sincerely hope that your honorable body will see fit to act on the memorial before its present session terminates.

And as in duty bound your petitioners will ever pray.

JOHN A. BREVCORT,  
O. S. FOWLER.

PHILADELPHIA, June 6, 1838.